IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

NOTICE OF MOTION NO.667 OF 2006
IN
WRIT PETITION NO.2015 OF 2006

Herbalife International India

Pvt. Ltd. & Anr. ..Petitioners

Vs.

1.State of Maharashtra & Ors.....Respondents

Mr. Suhail Dutt with Mr. R.S. Mittal & Ms. Merlyn

Monterio for the Petitioners

Mr. A.A. Sayed, AGP for Respondents

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATE: 15TH DECEMBER, 2006

P.C.

. Heard learned Counsel for the parties. It is the contention on behalf of the respondents that the action has been taken under the provisions of the Drugs and Magic Remedies (Objectionable Advertisement)Act, 1954 and the same does not fall in the category of the other matters where this Court has granted interim relief.

2. The petition has been admitted. Considering that in our opinion no purpose would be served if the goods which had been seized are left in the custody

of the respondents. Under these circumstances we propose to pass the following order:-

(i) It will be open to the respondents to keep such samples as are required for the purpose of proceedings which are pending including the criminal case.

(ii) Respondents to release the balance of the seized goods on the petitioners filing undertaking before this Court that the goods are being taken subject to the final order that will be passed by this Court in this petition.

(iii) The goods to be returned within two weeks on the undertaking filed before this Court and a copy of the same being given to the respondents.

. Motion disposed of accordingly.

(**F.I. REBELLO, J)**

(**ANOOP V. MOHTA J).**